

REMARKS**I. INTRODUCTION**

Claim 10 has been canceled. Claims 1, 16-17, and 45-49 have been amended. Thus claims 1-9 and 11-49 are now pending. No new matter has been added. In view of the above amendments and the following remarks, it is respectfully submitted that all of the presently pending claims are allowable.

II. THE 35 U.S.C. § 101 REJECTIONS SHOULD BE WITHDRAWN

The Examiner has rejected claims 1-47 and 49 under 35 U.S.C. § 101 as non-statutory subject matter. (See 12/16/2005 Office Action, p. 3).

As suggested by the Examiner (see 12/16/05 Office Action, p. 3, ¶ 15), claims 1 and 45 have been rewritten to recite "A computer-implemented method for monitoring...". As suggested by the Examiner (see 12/16/05 Office Action, p. 3, ¶ 16), claims 46 and 47 have been rewritten to recite "A computer-implemented system for monitoring...". As suggested by the Examiner (see 12/16/05 Office Action, p. 4, ¶ 17), claim 49 has been rewritten to recite "Computer readable program code embodied in a computer usable medium for monitoring...". With the addition of the Examiner's suggestion in order to make the claims proper statutory subject matter, it is respectfully submitted that the Examiner withdraw the 35 U.S.C. § 101 rejection of claims 1, 45-47, and 49.

III. THE DOUBLE PATENTING REJECTIONS SHOULD BE WITHDRAWN

The Examiner has rejected claims 1-49 under double patenting over U.S. Pat. No. 6,397,382 (the "382 patent") in view of U.S. Pat. No. 6,668,372 to Wu (the "Wu patent"). (See 12/16/2005 Office Action, p. 5, ¶ 19).

In view of the terminal disclaimer enclosed herewith, the Applicants respectfully request the Examiner withdraw the double patenting rejection of claims 1-49.

IV. THE 35 U.S.C. § 103(a) REJECTIONS SHOULD BE WITHDRAWN

The Examiner has rejected claims 1-9, 11-15, 18-19, 22-44, 46, 48, and 49 under 35 U.S.C. § 103(a) as unpatentable over U.S. Pat. No. 5,689,712 to Heisch (the "Heisch patent") in view of U.S. Pat. No. 6,668,372 to Wu (the "Wu patent"). (See 12/16/2005 Office Action, p. 6, ¶ 21).

Applicants have amended claim 1 to include the indicated allowable subject matter of claim 10. Accordingly, Applicants respectfully request that the Examiner withdraw the 35 U.S.C. § 103(a) rejection of independent claim 1. Because claims 2-9, 11-15, 18-19, and 22-44 depend from and, therefore, include all the limitations of corresponding claim 1, it is respectfully submitted that these claims are also allowable.

Applicants have also amended claims 46, 48, and 49 to include the recitation of claim 10. Accordingly, Applicants respectfully submit that these claims are also allowable.

The Examiner has rejected claims 20-21, 45, and 47 under 35 U.S.C. § 103(a) as unpatentable over U.S. Pat. No. 5,689,712 to Heisch in view of U.S. Pat. No. 6,668,372 to Wu in view of U.S. Pat. No. 5,664,191 to Davidson et al. (the "Davidson patent"). (See 12/16/2005 Office Action, p. 17, ¶ 22).

Applicants have also amended claims 45 and 47 to include the recitation of claim 10. Claims 20-21 depend from and, therefore, include all the limitations of corresponding claim 1. Accordingly, Applicants respectfully submit that these claims are also allowable.

CONCLUSION

In light of the foregoing, Applicants respectfully submit that all of the now pending claims are in condition for allowance. All issues raised by the Examiner having been addressed, and an early and favorable action on the merits is earnestly solicited.

Respectfully submitted,



By: Michael J. Marcin (Reg. No. 48,198)

Fay Kaplun & Marcin, LLP
150 Broadway, Suite 702
New York, NY 10038
Tel: (212) 619-6000
Fax: (212) 619-0276

Dated: March 14, 2006